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Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice, judges of the International Tribunal for the Former Yugoslavia, judges of the International Criminal Tribunal for Rwanda and ad litem judges of the International Tribunal for the Former Yugoslavia

Third report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 2002-2003

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the conditions of service and compensation for the members of the International Court of Justice, judges of the International Tribunal for the Former Yugoslavia, judges of the International Criminal Tribunal for Rwanda and ad litem judges of the International Tribunal for the Former Yugoslavia (A/C.5/56/14). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information.

2. Part one of the report of the Secretary-General deals with conditions of service and compensation for the members of the International Court of Justice, part two focuses on the judges of the International Tribunals and the ad litem judges, and part three contains an analysis and recommendations concerning remuneration, including adjustment for currency fluctuation and cost of living, and other conditions of service, including pensions and financial implications.

3. The Advisory Committee notes that the annual emoluments of the members of the ICJ, the judges of the Tribunals and the ad litem judges should be maintained at their current level of $160,000. Moreover, the Secretary-General indicates that the mechanism used to regulate emoluments against the weakening or strengthening of the United States dollar against the guilder continued to provide adequate protection of the value of the level of salary of the judges over the three-year period from 1999 to 2001 (ibid., paras. 89-90). The Secretary-General proposes, therefore, to continue the same floor/ceiling mechanism applied to the emoluments of the judges following the formal introduction of the European currency, the euro, beginning 1 January 2002. **The Committee has no objection to the Secretary-General's proposals.**

4. The Advisory Committee notes the view of the Secretary-General that consideration should be given to increasing the special allowance of the President of the Court from $15,000 to $20,000, which would represent

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an increase of some 30 per cent over the current level of the allowance. A commensurate increase in the allowance of the Vice-President when acting as President would result in the daily subsistence allowance of the Vice-President being increased from $94 per day to $125 per day, subject to a maximum of $12,500 per year (ibid., para. 91).

5. **The Advisory Committee is not convinced at this stage of the need to increase the level of the special allowance for the President and for the Vice-President when acting as President and, accordingly, it recommends against the proposal.**

6. **The Advisory Committee has no objection to extending to the members of the Court and judges of the Tribunals the increase in the level of education grant (including that for disabled children), effective 1 January 2001, applicable to staff in the Professional and higher categories approved by the General Assembly in section I.E of its resolution 55/223 of 23 December 2000.**

7. As indicated in the report of the Secretary-General, the reference to an installation grant in the travel and subsistence regulations applicable to the members of the Court and judges of the Tribunals would be revised to make reference to an assignment grant in order to better reflect the fact that under the terms of General Assembly resolution 44/198 of 21 December 1989, the entitlement under installation grant was discontinued and replaced by the assignment grant (ibid., para. 97). **The Advisory Committee has no objection to the revision.**

8. The Advisory Committee takes note of the comments and observations of the Secretary-General on health insurance (ibid., paras. 98-99) and **reiterates its view that the members of the International Court of Justice should cover the total cost of their participation in the health insurance plans and that the Organization should not have to contribute at all to the cost of their participation.**[1]

9. The Advisory Committee takes note of the information on the application of certain entitlements that may arise based on the hardship classification of duty stations (ibid., para. 100). The Secretariat clarified, upon enquiry, that the reference to an installation grant reflected outdated travel and subsistence regulations and that the term would be changed to "assignment grant" (see para. 7 above). **The Committee has no objection to the proposed change in the home leave travel of the judges of the International Criminal Tribunal for Rwanda to take account of the hardship classification of the duty station.**

10. The Secretary-General provided information on pensions to be paid to former members of the International Court of Justice (A/C.5/56/14, paras. 40, 41 and 102). The Advisory Committee notes the view of the Secretary-General that the issue of pensions in payment should be brought to the attention of the General Assembly. **The Committee points out in this connection that a pension entitlement is established at the time of retirement and the conditions of service in effect at that time. Moreover, the Committee recalls that it had recommended and the General Assembly had approved a recommendation that pensions in payment be automatically revised by the same percentage and at the same date as salary adjustments;**[2] **the Committee is of the view that this recommendation continues to provide the necessary protection for pensions in payment against an increase in the cost of living.**

11. With regard to the issue of pension benefits of the judges the Tribunals (see ibid., paras. 60-66 and 103), the Advisory Committee notes the view of the Secretary-General that the existing disparity between the pension benefits of the judges of the International Tribunal for the Former Yugoslavia and those of the members of the International Court of Justice should be brought to the attention of the General Assembly. The Committee observes that the Assembly approved a pension scheme for the judges of the Tribunals based on its previous recommendations,[3] whereby the Committee recommended that the pension benefits of the judges of the Tribunals should be based on those applicable to the judges of the International Court of Justice, prorated to account for the difference in length in the term of appointment, namely, nine years for the members of the Court versus four years for the judges of the Tribunals. **The Committee reiterates its view on this matter and therefore does not recommend any change in the current arrangement with regard to the pension benefits of judges of the two Tribunals.**

12. The Advisory Committee notes that the Secretary-General is of the view that the issue of providing educational assistance to the ad litem judges should be brought to the attention of the General Assembly, as it is the sole authority able to determine

the conditions of service of the ad litem judges (ibid., para. 105). The Committee recalls that it had recommended that ad litem judges should not be entitled to receive an education allowance, given the uncertainty of the length of appointment and taking into account the probability of breaks in service (A/55/806, para. 11). This recommendation was endorsed by the Assembly in its resolution 55/249 of 12 April 2001. **The Committee finds no justification for changing its position on this matter.**

13. The Advisory Committee takes note of the clarification of service-related injuries and illnesses (A/C.5/56/14, para. 106), namely, that the determination of disability due to injury or illness of ad litem judges of the International Tribunal for the Former Yugoslavia would be based on the guidelines set out in Secretary-General's bulletin ST/SGB/103/Rev.1, entitled "Rules Governing Compensation to Members of Commissions, Committees or Similar Bodies in the Event of Death, Injury or Illness Attributable to Service with the United Nations".

Notes

[1] *Official Records of the General Assembly, Fiftieth Session, Supplement No. 7A* (A/50/7/Add.1-16), document No. A/50/7/Add.11, para. 10.

[2] Ibid., *Fifty-third Session, Supplement No. 7* (A/53/7 and Add.1-15), document A/53/7/Add.6, para. 20.

[3] Ibid., para. 29.